

AMENDED IN SENATE MARCH 27, 2006

SENATE BILL

No. 1618

Introduced by Senator McClintock

February 24, 2006

~~An act to amend Section 22050 of the Public Contracts Code, relating to local agency contracts. An act to amend Section 21072 of the Public Contract Code, relating to local agency contracts.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1618, as amended, McClintock. Local agency contracts.

Existing law prescribes procedures for contracting for cities, counties, special districts, and any other agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Existing law establishes ~~a procedure~~ *procedures* by which these entities may take immediate action in the event of an emergency, ~~and to obtain equipment, services, and supplies for emergency purposes, without giving notice for bids to let contracts.~~

Existing law authorizes the Ventura Flood Control District to perform emergency work by negotiated contract without advertising for bids, if specified procedures are followed.

~~This bill would make a nonsubstantive, technical change to these provisions~~ *authorize the Ventura County Flood Control District to perform emergency work by negotiated contract without advertising for bids or requiring bonds if specified procedures are followed.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21072 of the Public Contract Code is
2 amended to read:

3 21072. (a) Emergency work may be done by negotiated
4 contract without advertising for bids *or requiring bonds*.

5 (b) In case of an emergency, if notice for bids to let contracts
6 will not be given, the board of supervisors shall comply with
7 Chapter 2.5 (commencing with Section 22050).

8 SECTION 1. ~~Section 22050 of the Public Contract Code is~~
9 ~~amended to read:~~

10 ~~22050. (a) (1) In the case of an emergency, a public agency,~~
11 ~~pursuant to a four-fifths vote of its governing body, may repair or~~
12 ~~replace a public facility, take any directly related and immediate~~
13 ~~action required by that emergency, and procure the necessary~~
14 ~~equipment, services, and supplies for those purposes, without~~
15 ~~giving notice for bids to let contracts.~~

16 ~~(2) Before a governing body takes any action pursuant to~~
17 ~~paragraph (1), it shall make a finding, based on substantial~~
18 ~~evidence set forth in the minutes of its meeting, that the~~
19 ~~emergency will not permit a delay resulting from a competitive~~
20 ~~solicitation for bids, and that the action is necessary to respond to~~
21 ~~the emergency.~~

22 ~~(b) (1) The governing body, by a four-fifths vote, may~~
23 ~~delegate, by resolution or ordinance, to the appropriate county~~
24 ~~administrative officer, city manager, chief engineer, or other~~
25 ~~nonelected agency officer, the authority to order any action~~
26 ~~pursuant to paragraph (1) of subdivision (a).~~

27 ~~(2) If the public agency does not have a county administrative~~
28 ~~officer, city manager, chief engineer, or other nonelected agency~~
29 ~~officer, the governing body, by a four-fifths vote, may delegate to~~
30 ~~an elected officer the authority to order any action specified in~~
31 ~~paragraph (1) of subdivision (a).~~

32 ~~(3) If a person with authority delegated pursuant to paragraph~~
33 ~~(1) or (2) orders any action specified in paragraph (1) of~~
34 ~~subdivision (a), that person shall report to the governing body, at~~
35 ~~its next meeting required pursuant to this section, the reasons~~
36 ~~justifying why the emergency will not permit a delay resulting~~
37 ~~from a competitive solicitation for bids and why the action is~~
38 ~~necessary to respond to the emergency.~~

~~(e) (1) If the governing body orders any action specified in subdivision (a), the governing body shall review the emergency action at its next regularly scheduled meeting and, except as specified below, at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action. If the governing body meets weekly, it may review the emergency action in accordance with this paragraph every 14 days.~~

~~(2) If a person with authority delegated pursuant to subdivision (b) orders any action specified in paragraph (1) of subdivision (a), the governing body shall initially review the emergency action not later than seven days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action, and at least at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action, unless a person with authority delegated pursuant to subdivision (b) has terminated that action prior to the governing body reviewing the emergency action and making a determination pursuant to this subdivision. If the governing body meets weekly, it may, after the initial review, review the emergency action in accordance with this paragraph every 14 days.~~

~~(3) When the governing body reviews the emergency action pursuant to paragraph (1) or (2), it shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts.~~

~~(d) As used in this section, “public agency” has the same meaning as defined in Section 22002.~~

~~(e) A three-member governing body may take actions pursuant to subdivision (a), (b), or (c) by a two-thirds vote.~~

~~(f) This section applies only to emergency action taken pursuant to Sections 20133, 20134, 20168, 20193, 20205.1, 20213, 20223, 20233, 20253, 20273, 20283, 20293, 20303, 20313, 20331, 20567, 20586, 20604, 20635, 20645, 20685, 20736, 20751.1, 20806, 20812, 20914, 20918, 20926, 20931, 20941, 20961, 20991, 21020.2, 21024, 21031, 21043, 21061, 21072, 21081, 21091, 21101, 21111, 21121, 21131, 21141, 21151, 21161, 21171, 21181, 21191, 21196, 21203, 21212,~~

1 ~~21221, 21231, 21241, 21251, 21261, 21271, 21290, 21311,~~
2 ~~21321, 21331, 21341, 21351, 21361, 21371, 21381, 21391,~~
3 ~~21401, 21411, 21421, 21431, 21441, 21451, 21461, 21472,~~
4 ~~21482, 21491, 21501, 21511, 21521, 21531, 21541, 21552,~~
5 ~~21567, 21572, 21581, 21591, 21601, 21618, 21624, 21631,~~
6 ~~21641, and 22035.~~

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